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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है ताकि यह अलग संकलन के रूप में रखा जा सके ।
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 1st December, 1972:—

BILL No. 111 OF 1972

A Bill further to amend the Coal Mines Labour Welfare Fund, 1947.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Coal Mines Labour Welfare Fund (Amendment) Act, 1972. Short title.

32 of 1947. 2. In section 3 of the Coal Mines Labour Welfare Fund Act, 1947 (hereinafter referred to as the principal Act), in sub-section (1), for the words “not less than four annas and not more than eight annas per ton,” the words “not less than twenty-five paise and not more than seventy-five paise per tonne,” shall be substituted. Amendment of section 3

3. In section 4 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:— Amendment of section 4.

“Provided that there shall at all times be credited—

(a) to the housing account of the Fund, not less than twelve paise, and

(b) to the general welfare account of the Fund, not more than forty-five paise,—

out of the duty collected under this Act on every tonne of coal or coke.”

**Amend-
ment of
section 5.**

4. In section 5 of the principal Act,—

(a) in sub-section (2), in clause (i), for the words “eight pies per ton”, the words and figures “4·1 paise per tonne” shall be substituted;

(b) in sub-section (11), for the words and figures “section 144 of the Indian Companies Act, 1913”, the words and figures “section 226 of the Companies Act, 1956” shall be substituted. **7 of 1913.
1 of 1956.**

**Amend-
ment of
section 10.**

5. In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

STATEMENT OF OBJECTS AND REASONS

Various welfare measures to ameliorate the living conditions of the labour employed in coal mines have been undertaken in pursuance of the Coal Mines Labour Welfare Fund Act, 1947. The Fund is fed from the cess levied on all despatches of coal and coke at a rate of fifty paise per ton. The existing rate has continued since the 1st January, 1961. The total proceeds are apportioned between Housing Account and General Welfare Account in the ratio of 5:7. The money in the Housing Account is utilised for supplementing the efforts of the employers and the State Governments for the provision of housing accommodation to colliery labour and the money in the General Welfare Account is similarly utilised for the provision of medical, water supply, educational and recreational facilities, etc. The present annual receipts in the Housing Account are about Rs. 1.10 crores and this amount falls short of the growing requirements of housing for the colliery labour and does not even fulfil the requirements of the housing schemes already sanctioned. At present almost the entire receipts of the General Welfare Account are being spent for existing medical services. While the need for the medical facilities is growing, it is becoming difficult to meet the growing requirements from the limited resources available.

2. In order to meet the increasing demand for funds to cope with the house building activities for the coal-mining areas and also to provide adequate medical facilities for colliery workers, it is necessary to augment by additional resources the Coal Mines Labour Housing and General Welfare Fund constituted under section 4 of the Act. Accordingly, it is proposed to increase the maximum rate of cess to seventy-five paise per tonne.

3. Opportunity has been taken to convert the existing rate of 8 pies per ton mentioned in clause (i) of sub-section (2) of section 5 to the corresponding metric units and also to carry out certain other consequential amendments.

R. K. KHADILKAR.

New Delhi;

The 25th November, 1972.

FINANCIAL MEMORANDUM

Section 3 of the Coal Mines Labour Welfare Fund Act, 1947, provides for a levy of cess at a rate not less than four annas and not more than eight annas per ton, as may from time to time be fixed by the Central Government, by notification in the Official Gazette. Clause 2 of the Bill seeks to amend this section *inter alia* to increase the maximum rate from eight annas to seventy-five paise. The cess is initially credited to the Consolidated Fund of India and subsequently remitted, to the extent of the collections, to the Coal Mines Labour Welfare Fund. The cess is being collected presently at the rate of 50 paise per ton. The proposal now is to levy and collect cess at the rate of 75 paise per tonne. As per Budget Estimates for 1972-73 the total receipt in the Fund will be about Rs. 433.40 lakhs, which is apportionable between General Welfare Account and Housing Account in the ratio of 7:5. The production of coal during 1971-72 was 69 million tonnes. If the production remains the same, the extra revenue by increased levy of 25 paise per tonne will yield Rs. 172.50 lakhs out of which the share of General Welfare Account at the existing ratio will be about Rs. 1 crore. At the existing level of expenditure Rs. 50 lakhs will go to balance the current budget and Rs. 50 lakhs would be left to make up the existing deficit of Rs. 2.93 crores in the General Welfare Account. It will further be seen that the existing ratio of a minimum of 16 pies per ton to be allocated to the Housing Account and a maximum of 56 pies per ton to the General Welfare Account will be changed to a minimum of 12 paise per tonne to the Housing Account and a maximum of 45 paise per tonne to the General Welfare Account. Any change effected in the present ratio of 7:5 between the General Welfare and Housing Accounts within the permissible revised limits indicated above, on the basis of the requirement of funds for the two Accounts will further change the proportions of the cess collections credited to the two Accounts.

2. The cess will be collected as before by the Railways on all despatches of coal and coke. The Railways retain 2 per cent. of the collected revenue as collection charges. There is no other additional expenditure involved on the collection of cess consequent on the increase in the rate as mentioned above.

3. In nutshell the amendment of the Coal Mines Labour Welfare Fund Act, 1947, is required for the following reasons:—

(i) raising the maximum rate of duty of excise, specified in sub-section (1) of section 3, from "eight annas per ton" to "75 paise per tonne" and levying the same with immediate effect; and

(ii) changing the apportionment of the proceeds of duty, specified in the proviso to sub-section (1) of section 4, so that the proceeds of the cess credited—

(a) to the Housing Account, shall not be less than 12 paise per tonne; and

(b) to the General Welfare Account, shall be not more than 45 paise per tonne,

out of the duty collected under the Act on every tonne of coal or coke.

4. It will be seen from the position explained above that there will be no net outgo from the Consolidated Fund of India.

S. L. SHAKDHER,
Secretary.

